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*Washington, Saturday, April 10, 1937*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

#### AMENDMENT OF TARIFF OF UNITED STATES CONSULAR FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes (U. S. C., title 22, sec. 127), it is ordered that Item 8 of the Tariff of United States Consular Fees be, and it is hereby, amended to read as follows:

"Executing application for passport (no exceptions) .....	\$1.00
Examination of passport application executed before a foreign official .....	1.00
Examination of passport application accompanied by a certificate signed by the applicant and two witnesses .....	1.00
Issue of passport .....	9.00
Exceptions—	
(a) Officers or employees of the United States traveling on official business, or members of their immediate families .....	No fee
(b) Seamen .....	No fee
(c) Widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines .....	No fee
Amendment or verification of an American passport .....	No fee
Renewal of an American passport .....	\$5.00
Exceptions—	
Same as respects issue of passports if bearer of passport has status held by him at time of issue of passport	
Execution of application for registration .....	No fee
Issue of certificate of identity and registration .....	\$1.00
Execution of affidavit in regard to American birth in connection with application for registration or for passport .....	No fee
For a certified copy of executed form for repatriation of native-born American women under act of June 25, 1936 .....	\$1.00"

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 7, 1937.

[No. 7600]

[F. R. Doc. 37-1037; Filed, April 8, 1937; 3:26 p. m.]

### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS TO PROVIDE MATERIAL FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS AND OTHER PUBLIC PROJECTS

#### Oregon

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public lands in Oregon be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for the purpose of providing material for the construction and maintenance of public roads and other public projects:

#### WILLAMETTE MERIDIAN

T. 41 S., R. 14 E., Sec. 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

This order shall continue in force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 7, 1937.

[No. 7601]

[F. R. Doc. 37-1036; Filed, April 8, 1937; 3:26 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48914]

#### COUNTERVAILING DUTY—RYE GRAIN FROM THE REPUBLIC OF POLAND

TREASURY DECISION 47944, DATED OCTOBER 22, 1935, DECLARING A BOUNTY ON RYE GRAIN FROM THE REPUBLIC OF POLAND AND INSTRUCTING COLLECTORS OF CUSTOMS TO REQUIRE A DEPOSIT OF ESTIMATED DUTY EQUAL TO SUCH BOUNTY, REVOKED

#### To Collectors of Customs and Others Concerned:

Reference is made to Treasury Decision 47944, dated October 22, 1935, declaring a bounty on rye grain from the Republic of Poland pursuant to the authority contained in section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), and instructing collectors of customs to require a deposit of the estimated countervailing duty equal to the net amount of the bounty.

Official information has been received to the effect that the payment of a bounty on rye grain from the Republic of Poland was discontinued effective March 16, 1937.

Therefore, pursuant to the authority contained in section 303 of the Tariff Act of 1930, Treasury Decision 47944 is





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hereby revoked effective as to shipments of such merchandise exported from the Republic of Poland on or after March 16, 1937.

[SEAL]

J. H. MOYLE,  
Commissioner of Customs.

Approved, April 5, 1937.

WAYNE C. TAYLOR,  
Acting Secretary of the Treasury.

[F. R. Doc. 37-1038; Filed, April 8, 1937; 3:48 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

[No. 6]

### OWYHEE IRRIGATION PROJECT, OREGON-IDAHO MITCHELL BUTTE AND DEAD OX FLAT DIVISIONS

### ORDER OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

MARCH 17, 1937.

1. *Land for which water will be furnished.*—In pursuance of the Act of June 17, 1902, (32 Stat., 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper water rental application being made therefor, water will be furnished on a rental basis under the Mitchell Butte and Dead Ox Flat Divisions of the Owyhee Irrigation project, Oregon-Idaho, in the irrigation season of 1937 and thereafter until further notice, for the irrigable lands shown on farm unit plats for T. 18 S., R. 45 E., Ts. 17, 18, 19 S., R. 46 E., Ts. 16, 17, 18 S., R. 47 E., Willamette Principal Meridian, and, beginning on April 15, 1937, entry may be made in accordance with this order for the following described farm units, to-wit:

WILLAMETTE MERIDIAN		Irrigable acres
Township 18 South, Range 45 East,		
Section 10, farm unit "A"—SE $\frac{1}{4}$		19
"B"—W $\frac{1}{2}$ SW $\frac{1}{4}$		30
12 "A"—E $\frac{1}{2}$ NE $\frac{1}{4}$		49
"B"—SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$		45
Township 17 South, Range 46 East,		
Section 24, farm unit "A"—SE $\frac{1}{4}$ NE $\frac{1}{2}$ , Sec. 24, Lot 2,		
Sec. 19, T. 17 S., R. 47 E.		74
"B"—SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$		71
35 "A"—NE $\frac{1}{4}$ NE $\frac{1}{4}$		20
"B"—SE $\frac{1}{4}$ SE $\frac{1}{4}$		31
Township 18 South, Range 46 East,		
Section 2, farm unit "A"—Lots 1 and 2		9
6 "A"—E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$		44
"B"—Lots 6 and 7		63
8 "A"—N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$		9
10 "A"—W $\frac{1}{2}$ NW $\frac{1}{4}$		33
26 "A"—W $\frac{1}{2}$ NW $\frac{1}{4}$		60
"B"—N $\frac{1}{2}$ SW $\frac{1}{4}$		51
"C"—S $\frac{1}{2}$ SW $\frac{1}{4}$		63
"D"—S $\frac{1}{2}$ SE $\frac{1}{4}$		70
30 "A"—S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$		35
"B"—E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$		53
32 "A"—E $\frac{1}{2}$ NE $\frac{1}{4}$		63
"B"—W $\frac{1}{2}$ NE $\frac{1}{4}$		70
"C"—E $\frac{1}{2}$ NW $\frac{1}{4}$		53
"D"—SW $\frac{1}{4}$		14
34 "A"—NW $\frac{1}{4}$ NW $\frac{1}{4}$		26
"B"—S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 34; Lots 3 and 4, Sec. 3, T. 19 S., R. 46 E.		60
"C"—S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 34; Lots 1 and 2, Sec. 3, T. 19 S., R. 46 E.		31
Township 19 South, Range 46 East,		
Section 4, farm unit "A"—Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4; Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 5		28
Township 17 South, Range 47 East,		
Section 3, farm unit "A"—SE $\frac{1}{4}$ NW $\frac{1}{4}$		30
7 "A"—NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$		26
9 "A"—NE $\frac{1}{4}$ SW $\frac{1}{4}$		14
17 "A"—NW $\frac{1}{4}$ NE $\frac{1}{4}$		16
19 "B"—NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$		52
20 "A"—SW $\frac{1}{4}$ SW $\frac{1}{4}$		23

The farm unit plats referred to above were approved on the date of this order and are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, and in the local land office at The Dalles, Oregon.

2. *Limit of acreage for which entry may be made or water rental secured.*—The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the farm unit plats for the respective farm units and ranges from 9 to 74 acres of irrigable area.



The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Filing of water-rental applications.*—Water-rental applications for lands in private ownership must be filed in the office of the Construction Engineer and such applications may be made on or after the date of this order. For public lands the water-rental applications must be made in accordance with the conditions hereinafter stated:

4. *Preference rights to soldiers.*—Pursuant to the provisions of joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until July 15, 1937, the farm units described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85: *Provided however*, That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this order.

5. *Applicants must be qualified.*—No entry shall be accepted by the local land office until the applicant therefor has satisfied the Examining Board appointed for the Owyhee project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

6. *Requirements as to industry, experience, character, and capital.*—Each applicant must possess good health and have had at least two years' actual experience in farm work. He must have at least \$2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the Examining Board to be as useful to the applicant as money. *Provided however*, That for farm units having irrigable areas of not more than twenty acres each applicant must have a net worth of \$1,000 or the equivalent thereof.

7. *Examining Board.*—An Examining Board of three members has been appointed by the Secretary of the Interior, to consider the fitness of applicants to undertake the development and operation of a farm on the Owyhee project. Each applicant, except those described in Paragraph 12a, must appear in person before the Examining Board, and the Construction Engineer, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be available at the project office when the opening is being held, where applicants will be examined. The board will announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, so that there may be no misunderstanding either regarding the applicant's fitness or his appreciation of the problem before him.

8. *Determination of relative standing of applicants.*—The relative standing of the applicants will be based upon a percentage rating with the following weights given to the four prescribed qualifications:

	Percent
Character.....	15
Industry.....	20
Capital.....	30
Farm Experience.....	35

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

CHARACTER		INDUSTRY	
	Percent		Percent
Fair.....	5	Fair.....	5
Good.....	10	Good.....	10
Excellent.....	15	Excellent.....	20

  

CAPITAL		FARM EXPERIENCE	
	Percent		Percent
For farm units of more than 20 irrigable acres:		2 years in farming other than irrigation.....	5
Capital:		2 years' farming other than irrigation plus 1% for each additional year's experience up to a total of 12 years (including first two years), or a maximum of.....	15
\$2,000 to \$2,999.....	20	2 years in irrigation farming, any time.....	20
\$3,000 to \$3,999.....	22	2 years in irrigation farming, in last 4 years.....	25
\$4,000 to \$4,999.....	24	2 years in irrigation farming, in last 2 years.....	30
\$5,000 to \$5,999.....	25	2 years or more in responsible charge of irrigation farm in last 4 years.....	35
\$6,000 to \$6,999.....	26		
\$7,000 to \$7,999.....	27		
\$8,000 to \$8,999.....	28		
\$9,000 to \$9,999.....	29		
\$10,000 or above.....	30		

9. *When and how to apply for a farm unit.*—Any person desiring to acquire any of the said public land must secure from the Construction Engineer, Boise, Idaho, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. A full answer must be made to each question propounded therein. If the applicant claims a preference right on account of military service, he shall attach to his application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said joint resolution of June 12, 1930. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public, to be a true copy of the original.

10. *Simultaneous filing of farm applications.*—All applications received on or before April 15, 1937, the date of opening, will be held and treated as simultaneously filed.

11. *Preference rights for ex-service men not filing in accordance with Paragraph 10.*—In order that ex-service men may take advantage of the preference right as provided in Paragraph 4 of this order, in the event that they fail to file on or before April 15, 1937, as set forth in Paragraph 10 above, their applications together with the proof to be furnished by them, must be filed in the Office of the Construction Engineer, Boise, Idaho, on or prior to July 15, 1937, the day upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail. Farm Applications received after April 15, 1937, will be filed and noted in the order of their receipt.

12. *Showing of applicants and selection thereof.*—(a) Where the applicant fails to make a *prima facie* case—that



is, where the applicant does not possess good health or does not show at least two years' farm experience, and the assets required in Paragraph 6, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the project Construction Engineer at Boise, Idaho, and within 10 days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 8 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 33 applicants (there being 33 farm units) with the highest rating, and notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms, it is necessary to reject all applications below the first 33 in qualification ratings. Each rejected applicant may appeal to the Secretary within ten days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection in the order of their ratings. However, the intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences.

13. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above, or any other that may arise, and in the absence of pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and enclose a water-rental application for the farm selected, which must be filled in by the applicant and returned to the Construction Engineer, within 10 days from receipt of notice, with payment of the water-rental charges, as specified in Paragraph 20. Upon receipt by the Construction Engineer of the water-rental application executed by the applicant and accompanied by the required payment, the board shall make appropriate notation on a copy of said water-rental application, which will entitle the applicant to file homestead application at the local land office, and the board will return said copy by registered mail to the applicant for that purpose. Such homestead application shall be made within 15 days from the date of receipt of the approved water-rental application. Failure to make homestead entry within the period named will render the application subject to rejection.

14. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will

consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in Paragraph 12.

15. *General entry for land described in Paragraph 1.*—On and after July 15, 1937, any public lands described in Paragraph 1 which remain unentered, shall be subject to entry under this order by any person having the necessary qualifications. If, on July 15, 1937, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with Paragraph 12 of this order.

16. *Warning against unlawful settlements.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any said public land begun without having at the time a valid approved water-rental application covering the land in question: *Provided*, however, That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

17. *Owyhee Irrigation District.*—Substantially all of the lands covered by this public order are within the Owyhee Irrigation District organized under the laws of the State of Oregon. For any lands which are not within the district, the water-rental applicant will be required to agree to the inclusion of his land within the district before his application will be allowed.

18. *Contract with Owyhee Irrigation District.*—A contract was entered into October 14, 1926, and a supplementary contract on March 16, 1936, between the United States and the Owyhee Irrigation District, providing for payment of charges and operation of works.

19. *Construction charges.*—The construction cost shall be paid in accordance with the contract dated October 14, 1926, and the supplementary contract dated March 16, 1936, between the United States and the Owyhee Irrigation District, which contracts are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, where they may be examined.

20. *Operation and Maintenance charges.*—Each successful applicant for any of these lands shall, before making homestead entry, pay to the United States one dollar (\$1.00) for each irrigable acre in the farm unit chosen, as an advance payment for the rental of water for the season of 1937 and such payment will entitle him to two and six-sevenths (2 $\frac{6}{7}$ ) acre-feet of water per acre. Additional water may be secured during the same season at the rate of thirty-five cents (\$0.35) per acre-foot. If the successful applicant is unable to establish residence and prepare his land for cultivation and irrigation in time to raise a crop in 1937, credit will be given for such water-rental payment on charges for water coming due in the spring of 1938. In addition to such advance payment for rental of water, payment must also be made to the Owyhee Irrigation District of their regular annual assessment for District administration purposes at the same rate as the new lands of the District in private ownership. No water will be delivered to any of these farms unless all operation and maintenance charges then due have been paid.

21. *Reservation of rights of way for county highways.*—Rights of way are reserved for county highways across the farm units shown on said plats along all section lines, said rights of way being 30 feet in width on each side of said lines.

22. *Effect of relinquishment prior to one year's residence.*—In the event that any entry of public land shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make



entry for such farm units shall be determined in accordance with the procedure described in Paragraph 12 of this order.

23. *Waiver of mineral rights.*—All homestead entries for any of the above-described land will be subject to the laws of the United States governing mineral land and all applicants under this order must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

T. A. WALTERS,  
First Assistant Secretary.

[F. R. Doc. 37-1039; Filed, April 9, 1937; 9:35 a. m.]

## FEDERAL TRADE COMMISSION.

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-298]

### IN THE MATTER OF TRADE PRACTICE RULES FOR THE COVERED BUTTON AND BUCKLE MANUFACTURING INDUSTRY

#### PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717).

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding be, and the same are, hereby promulgated for the Covered Button and Buckle Manufacturing Industry, as follows:

#### TRADE PRACTICE RULES

##### COVERED BUTTON AND BUCKLE MANUFACTURING INDUSTRY

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

#### Group I

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the statutes and the decisions of the Federal Trade Commission and the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

##### Rule 1.

The practice of selling goods below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

##### Rule 2.

Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

##### Rule 3.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or

the false disparagement of the grade, quality or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

##### Rule 4.

The imitation of the trade-marks, trade names, brands, labels or other marks of identification of competitors, having the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

##### Rule 5.

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits and Other Allowances.*—It is an unfair trade practice for any member of the industry engaged in commerce,<sup>1</sup> in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce<sup>1</sup> and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce<sup>1</sup> or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however—*

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce<sup>1</sup> from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent prices changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited Brokerages and Commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,<sup>1</sup> in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowances, Etc.* It is an unfair trade practice for any member of the industry engaged in commerce<sup>1</sup> to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available

<sup>1</sup> See footnote, page 800.



on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.* It is an unfair trade practice for any member of the industry engaged in commerce<sup>1</sup> to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.* It is an unfair trade practice for any member of the industry or other person engaged in commerce, in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936, (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

#### Rule 6.

Wilfully inducing or attempting to induce, by any false or deceptive means whatsoever, the breach of any lawful contract or contracts existing between competitors and their customers or their suppliers, or wilfully interfering with or obstructing the performance of any such contractual duties or services, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

#### Rule 7.

The making, or causing or permitting to be made or published, any false, untrue or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, character, nature, origin, size or preparation of any product of the industry, or in any other material respect, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 8.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

#### Rule 9.

Offering merchandise for sale at prices purported to be reduced from what are in fact fictitious prices, or offering merchandise for sale at a purported reduction in price when such purported reduction is in fact fictitious, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 10.

The use of the word "free" where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 11.

The practice of shipping or delivering products which do not conform to the samples submitted or representations

made prior to securing the orders, without the consent of the purchasers to such substitutions, and having the tendency, capacity or effect of deceiving or misleading purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 12.

Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, is an unfair trade practice.

#### Rule 13.

Securing information from competitors concerning their businesses by false or misleading statements or representations or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

#### Rule 14.

In connection with the sale or offering for sale of products of the industry, representing through advertising or otherwise that such products conform to any standards recognized in or applicable to the industry when such is not the fact, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 15.

For any person, firm or corporation to hold himself or itself out to the public as a manufacturer or wholesaler when such is not the fact, or in any other manner to misrepresent the character, extent or type of his or its business, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

#### Rule 16.

The false or deceptive marking or branding of products of the industry for the purpose or with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

#### Rule 17.

Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

Entered April 6, 1937.

[F. R. Doc. 37-1040; Filed, April 9, 1937; 10:34 a. m.]

#### United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

<sup>1</sup> As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; Provided, That this shall not apply to the Philippine Islands.



[Docket No. 2733]

IN THE MATTER OF TAYLOR WASHING MACHINE COMPANY  
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 20, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1041; Filed, April 9, 1937; 10:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

[File No. 31-395]

IN THE MATTER OF THE APPLICATION OF BOISE GAS LIGHT AND  
COKE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Boise Gas Light and Coke Company pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary company of Hugh M. Morris and John N. Shannahan, Trustees of the Estate of Midland United Company,

It is ordered that a hearing on such matter be held on April 26, 1937, at 11:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1047; Filed, April 9, 1937; 12:44 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D. 1937.

[File No. 32-54]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale of

(A) \$750,000 principal amount of First Mortgage 4¼% Bonds, Series B, due May 1, 1962, and

(B) \$240,000 principal amount of 3½% Serial Notes, due \$60,000 annually May 1, 1939-1942, and \$360,000 principal amount of 4½% Serial Notes, due \$60,000 annually May 1, 1943-1946 and \$120,000 on May 1, 1947;

the net proceeds from the sale of which securities are to be expended for the construction of a 10,000 kilowatt steam-electric generating plant, including certain transmission lines and appurtenances, and for other construction, extensions or improvements.

It is ordered that a hearing on such matter be held on April 26, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1048; Filed, April 9, 1937; 12:57 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST  
IN THE MARGAY-BEMIS "A" FARM, FILED ON MARCH 24, 1937,  
BY LEO A. MCGRILL & CO., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND  
ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such



information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner,<sup>1</sup> heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1046; Filed, April 9, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-YORK #13 FARM, FILED ON MARCH 18, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,<sup>2</sup> which was last set to be heard at 3:30 o'clock in the afternoon on the 8th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 23rd day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1044; Filed, April 9, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE JONES-LUCAS FARM, FILED ON MARCH 1, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,<sup>3</sup> which was last set to be heard at 2:00 o'clock in the afternoon on the 8th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30

<sup>1</sup> 2 F. R. 736.

<sup>2</sup> 2 F. R. 696.

<sup>3</sup> 2 F. R. 693.

o'clock in the forenoon on the 23rd day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1045; Filed, April 9, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK COMMUNITY FARM, FILED ON MARCH 27, 1927, BY W. E. COOK, RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;<sup>1</sup>

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 6, 1937, be effective as of April 6, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1042; Filed, April 9, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CAMPION FARM, FILED ON MARCH 26, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;<sup>2</sup>

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 7, 1937, be effective as of April 7, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1043; Filed, April 9, 1937; 12:43 p. m.]

<sup>1</sup> 2 F. R. 722.

<sup>2</sup> 2 F. R. 744.